



PATENT  
03716-P0002C WWW/TMO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Gary S. Foster, <i>et al.</i>	
Serial No.: 09/931,123	Conf. No.: 3575	Filing Date: August 16, 2001
Title of Application:	Creation Of Pseudo Block To Assist In System For Facilitating Trade Processing And Trade Management	
Group Art Unit: 3624	Examiner: Felten, Daniel S.	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
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**Appeal Brief Under 37 CFR §41.37**

Dear Sir:

A Notice of Appeal from the final rejection of Claims 1-28, all pending claims of U.S. Patent Application No. 09/931,123, being filed herewith, Applicant accordingly files its Appeal Brief in connection with its appeal. A Claims Appendix is submitted herewith, as are Appendices related to evidence previously submitted and decisions related to the case.

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*January 25, 2006*

*Tamara L. Millikan*  
Tamara L. Millikan

**(i) Real Party In Interest**

The real party in interest is Omgeo LLC, assignee of the present patent application.

**(ii) Related Appeals and Interferences**

Appellant has previously filed an appeal to the Board of Patent Appeals and Interferences in the present case on July 30, 2004. In response thereto, the Examiner reopened prosecution and issued new rejections (which are the subject of the instant Appeal).

Appellant has also filed an appeal to the Board of Patent Appeals and Interferences, on January 23, 2006, in U.S. Patent Application No. 09/931,123, filed on August 16, 2001. U.S. Patent Application No. 09/931,123 and the application which is the subject of the instant appeal are related in that they both claim priority to the same parent application, U.S. Patent Application No. 09/504,803, filed February 16, 2000, which parent application is still currently pending.

**(iii) Status Of Claims**

Claims 1-28, all pending claims of the present application, stand rejected and are the subject of the instant Appeal. A copy of each of these claims is attached hereto in the Claims Appendix.

**(iv) Status Of Amendments**

There are no pending or unentered Amendments. Applicant has not filed any Amendments after the mailing of the Final Office Action dated December 5, 2005.

**(v) Summary Of Claimed Subject Matter**

Claims 1, 10, 15 and 24 are the independent claims.

Independent Claim 1

Claim 1 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0026, 0027 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and trade order information 30, 44 is received by the computer 26, which trade order information 30, 44 is indicative of an ordered trade by a second trading party 18. See, e.g., Spec. ¶¶ 0026, 0028 and Figs. 1, 2, 3. Software executing on the computer 26 determines block level trade execution information based upon the trade execution information 28 and determines block level trade order information based upon the trade order information 30 (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. A set of predefined acceptable trade parameters are provided, and software executing on the computer 26 compares the block level

trade execution information with the block level trade order information, and determines that a match exists if the block level trade execution information and the block level trade order information correlate within the set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033, 0036, 0037 and Figs. 1, 3.

#### Independent Claim 10

Claim 10 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0026, 0027 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and trade order information 30, 44 is received by the computer 26, which trade order information 30, 44 is indicative of an ordered trade by a second trading party 18. See, e.g., Spec. ¶¶ 0026, 0028 and Figs. 1, 2, 3. Software executing on the computer 26, if the trade execution information 28 comprises an indication of block level trade execution information, extracts the block level trade execution information from the trade execution information 28 and, if the trade execution information 28 comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, generates block level trade execution information based upon the allocation level trade execution information (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. Software executing on the computer 26, if the trade order information 30 comprises

an indication of block level trade order information, extracts the block level trade order information from the trade order information 30 and, if the trade order information 30 comprises an indication of allocation level trade order information but not an indication of the block level trade order information, generates block level trade order information based upon the allocation level trade order information (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. A set of predefined acceptable trade parameters are provided, and software executing on the computer 26 compares the block level trade execution information with the block level trade order information, and determines that a match exists if the block level trade execution information and the block level trade order information correlate within the set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033, 0036, 0037 and Figs. 1, 3.

#### Independent Claim 15

Claim 15 is directed to a method for facilitating the processing and management of a securities trade. See, e.g., Spec. ¶¶ 0026, 0027 and Fig. 1. Trade execution information 28, 42 is received, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and trade order information 30, 44 is received, which trade order information 30, 44 is indicative of an ordered trade by a second trading party 18. See, e.g., Spec. ¶¶ 0026, 0028 and Figs. 1, 2, 3. Block level trade execution information is determined based upon the trade execution information 28 and block level trade order information is determined based upon the trade order

information 30 (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. The block level trade execution information is compared with the block level trade order information, and a determination is made that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033, 0036, 0037 and Figs. 1, 3.

#### Independent Claim 24

Claim 24 is directed to a method for facilitating the processing and management of a securities trade. See, e.g., Spec. ¶¶ 0026, 0027 and Fig. 1. Trade execution information 28, 42 is received, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and trade order information 30, 44 is received, which trade order information 30, 44 is indicative of an ordered trade by a second trading party 18. See, e.g., Spec. ¶¶ 0026, 0028 and Figs. 1, 2, 3. If the trade execution information 28 comprises an indication of block level trade execution information, the block level trade execution information is extracted from the trade execution information 28 and, if the trade execution information 28 comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, block level trade execution information is generated based upon the allocation level trade execution information (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. If the trade order

information 30 comprises an indication of block level trade order information, the block level trade order information is extracted from the trade order information 30 and, if the trade order information 30 comprises an indication of allocation level trade order information but not an indication of the block level trade order information, block level trade order information is generated based upon the allocation level trade order information (as shown at block 37 of Figure 2). See, e.g., Spec. ¶¶ 0029-0032 and Fig. 2. The block level trade execution information is compared with the block level trade order information, and a determination is made that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033, 0036, 0037 and Figs. 1, 3.

#### **(vi) Grounds Of Rejection To Be Reviewed On Appeal**

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 5,497,317) and Sandhu et al. (US 6,347,307) in view of each other.

#### **(vii) Argument**

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 5,497,317) and Sandhu et al. (US 6,347,307) in view of each other. Applicant respectfully traverses this rejection for the reasons stated below with respect to each claim.

First, Applicant points out that even assuming that all of the statements made by the Examiner were completely accurate (which Applicant believes is not the case for the reasons discussed below), the Examiner would still only have made a prima facie showing of unpatentability of Claims 1 and 15. This is true because only Claims 1 and 15 are limited to the elements which the Examiner contends are disclosed, taught or suggested by the cited prior art.

Each of Claims 2-9 and 16-23, which depend either directly or indirectly from Claims 1 and 15, respectively, add further limitations thereto, as set forth in detail below. As such, the requirements of these claims must be considered because it is improper to fail to consider any limitation in the claims. In re Geerdes, 491 F.2d 1260, 1262, 180 U.S.P.Q. 789, the 791 (CCPA 1974) ("every limitation in the claim must be given effect rather than considering one in isolation from the others"). The Examiner has made no prima facie showing that the elements of these dependent Claims are disclosed, taught or suggested by any prior art reference, and indeed Applicant respectfully submits that the Examiner cannot do so, as these claims all distinguish the prior art.

Moreover, as discussed more fully below, each of independent Claims 10 and 24 require elements which the Examiner has apparently not considered, and with respect



to which the Examiner has made absolutely no prima facie showing of unpatentability. Thus, all of Claims 2-14 and 16-28 require material elements which the Examiner has not cited as being disclosed, taught or suggested by any of the cited prior art, thereby clearly failing to make a prima facie showing of unpatentability with respect to these claims.

#### Independent Claims 1 and 15

Claims 1 and 15 are directed to an apparatus and method, respectively, for facilitating the processing and settlement of an already executed securities trade. The apparatus and method compares trade execution information received from one trading party with trade order information received from a second trading party and determines that a match exists if block level trade execution information and block level trade order information correlate within a set of predefined acceptable trade parameters. Before making such a comparison, however, the apparatus and method determines the block level trade execution information based upon the received trade execution information and determines the block level trade order information based upon the received trade order information. In accordance with the system and method of the present invention, it is such block level trade execution information and block level trade order information which is compared to determine whether or not a match exists.

Applicant respectfully submits that none of the cited prior art, nor any prior art of which Applicant is aware, discloses, teaches or suggests these limitations.

The system disclosed in Hawkins et al. operates in a completely different manner than does the present invention as claimed. The system of Hawkins et al. receives an ordered trade form from an ordering broker and automatically fills in a transaction field 408 of the ordered trade form with a numeric ID specific to the particular transaction. (See column 13, lines 46-47). The order is then transmitted to the executing broker, who, after executing the order, fills in an executed trade form. The system receives this executed trade form and automatically fills in a transaction field 610 of the executed trade form with a numeric ID specific to the particular transaction. (See column 14, lines 23-24). If the order was placed manually (i.e., outside the system), the executed trade form may be generated first, transmitted to the ordering broker, and then the ordered trade form completed. (See column 11, lines 48-56). However, in either event, the ordered trade form and the executed trade form must be entered sequentially.

Sandhu et al. discloses a system and method that enables members to engage in capital market transactions and interactively communicate via the Internet. The system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios. Interactive communications supported by the system include:

requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between users, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications among users and/or system administrators, including e-mail, chat, and message boards. However, there is no disclosure, teaching or suggestion of any trade settlement matching even remotely similar to the claimed matching process.

Applicant respectfully submits that there are several elements of the present invention as claimed that are not disclosed, taught or suggested by the two cited references, either alone or in combination.

As mentioned above, the apparatus and method of the present invention as claimed compares trade execution information received from one trading party with trade order information received from a second trading party and determines that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters. The determination of the block level information and the comparison thereof provides a number of significant benefits, as described in detail in the current application in paragraphs [0029] - [0032]. Specifically, it should be recognized that the trade execution information and the trade allocation information may be submitted in a

number of ways. For example, the information may be submitted at a block level (i.e., at a trade level) with the associated allocation level (i.e., showing the contract detail for the trade) being submitted therewith, or the information may be submitted at the allocation level only. This variation in submission format can clearly complicate the matching processes.

The Examiner cites Hawkins et al. as disclosing “software executing on said computer for determining block level trade information” for both the ordering party and executing party. While Applicant acknowledges that Hawkins et al. states that “if funds A, B, and C managed by a single institution all wish to buy 10,000 shares of XYZ Corp. stock, then the institution will place a single buy order with a particular broker for a block of 30,000 shares of XYZ Corp. stock” (see col.6 ll. 67 to col. 7 ll. 4), Applicant respectfully submits that even assuming that this teaches “block level trade information” as claimed there is no disclosure, teaching or suggestion whatsoever in Hawkins et al. that this “block level trade information” is what is compared to determine that a match exists. Moreover, there is nothing in Hawkins et al. that discloses, teaches or suggests in any way that a determination is made that a match exists if the block level trade information correlates within a set of predefined acceptable trade parameters. Instead, as discussed in more detail above, Hawkins et al. relies upon a sequential exchange of messages, not any sort of matching of block level trade information.

The Examiner also asserts that an artisan of ordinary skill in the art at the time of the invention would have been motivated to substitute the interactive servers in Sandhu et al. for the central database in Hawkins et al. as an alternative communications link between the system and users. However, even if such were true, the resulting combination would not disclose, teach or suggest the present invention as claimed. This is true because, like Hawkins et al., Sandhu et al. does not disclose, teach or suggest in any way comparing trade execution information received from one trading party with trade order information received from a second trading party and determining that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters.

As such, even if Hawkins et al. and Sandhu et al. were combined, the resulting apparatus or method would not include all elements required by any claim, since both references fail to disclose, teach or suggest in any way the above-highlighted elements of all claims. Rather, the result of such a combination would be the sequential message based settlement system of Hawkins et al. incorporating the interactive servers of Sandhu et al. Appellants respectfully submit that this is not even close to what is claimed.

As neither Hawkins et al. nor Sandhu et al., either alone or in combination, discloses, teaches or suggests each of the elements required by all claims, Applicants respectfully submit that there is no basis for a rejection of Claims 1 and/or 15 under 35 U.S.C. §103(a).

Dependent Claims 2 and 16

In addition to the limitations of Claims 1 and 15, Claims 2 and 16 require, among other limitations that the trade execution information comprises an indication of the block level trade execution information, and that the block level trade execution information is extracted from the trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. While Applicant acknowledges that Hawkins et al. states that “if funds A, B, and C managed by a single institution all wish to buy 10,000 shares of XYZ Corp. stock, then the institution will place a single buy order with a particular broker for a block of 30,000 shares of XYZ Corp. stock” (see col.6 ll. 67 to col. 7 ll. 4), Applicant respectfully submits that even assuming that this teaches “block level trade information” as claimed there is no disclosure, teaching or suggestion whatsoever in Hawkins et al. that this “block level trade information” is extracted and used for any purpose.

Dependent Claims 3 and 17

In addition to the limitations of Claims 1 and 15, Claims 3 and 17 require, among other limitations that the trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, and that the block level trade execution information is generated based upon the allocation level trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 3 and 17, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade execution information, never mind the generation of such block level trade execution information based upon the allocation level trade execution information.

Dependent Claims 4 and 18

In addition to the limitations of Claims 3 and 17, Claims 4 and 18 require, among other limitations that the generated block level trade execution information is replaced by later received block level trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 4 and 18, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade execution information, never mind that the generated block level trade execution information be replaced by later received block level trade execution information.

#### Dependent Claims 5 and 19

In addition to the limitations of Claims 1 and 15, Claims 5 and 19 require, among other limitations that the trade order information comprises an indication of the block level trade order information, and that the block level trade order information is extracted from the trade order information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. While Applicant acknowledges that Hawkins et al. states that “if funds A, B, and C managed by a single institution all wish to buy 10,000 shares of XYZ Corp.



stock, then the institution will place a single buy order with a particular broker for a block of 30,000 shares of XYZ Corp. stock” (see col.6 ll. 67 to col. 7 ll. 4), Applicant respectfully submits that even assuming that this teaches “block level trade information” as claimed there is no disclosure, teaching or suggestion whatsoever in Hawkins et al. that this “block level trade information” is extracted and used for any purpose.

#### Dependent Claims 6 and 20

In addition to the limitations of Claims 1 and 15, Claims 6 and 20 require, among other limitations that the trade order information comprises an indication of allocation level trade order information but not an indication of the block level trade order information, and that the block level trade order information is generated based upon the allocation level trade order information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 6 and 20, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade order information,

never mind the generation of such block level trade order information based upon the allocation level trade order information.

Dependent Claims 7 and 21

In addition to the limitations of Claims 6 and 20, Claims 7 and 21 require, among other limitations that the generated block level trade order information is replaced by later received block level trade order information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 7 and 21, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade order information, never mind that the generated block level trade order information be replaced by later received block level trade order information.

Dependent Claims 8 and 22

In addition to the limitations of Claims 1 and 15, Claims 8 and 22 require, among other limitations that the trade execution information and the trade order information may be received in any order.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. As discussed in more detail above, Hawkins et al. discloses a system that relies on a rigid sequential flow of messages. More specifically, in the Hawkins et al. system, the trade order information must be received before the trade execution information in order for the system to properly function. Moreover, Sandhu et al. does not even disclose the receipt of trade execution information and the trade order information, and therefore, certainly does not disclose, teach or suggest that trade execution information and the trade order information may be received in any order.

Dependent Claims 9 and 23

In addition to the limitations of Claims 1 and 15, Claims 9 and 23 require, among other limitations that the trade execution information and the trade order information may be received at any time prior to trade settlement.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. As discussed in more detail above, Hawkins et al. discloses a system that relies on a rigid sequential flow of messages. As such, there are very limited time frames when each of the trade execution information and the trade order information may be received, and the information in question may not be received at any time prior to trade settlement. Moreover, Sandhu et al. does not even disclose the receipt of trade execution information and the trade order information, and therefore, certainly does not disclose, teach or suggest that trade execution information and the trade order information may be received at any time prior to trade settlement.

#### Independent Claims 10 and 24

Claims 1 and 15 require limitations corresponding to the above-highlighted and discussed limitations of Claims 1 and 15, respectively, and therefore, Applicant respectfully submits these claims are patentable over the cited prior art for the reasons discussed above in connection with Claims 1 and 15.

However, Claims 10 and 24 require further limitations not required by Claims 1 and 15, which limitations further distinguish over the cited prior art. More specifically, while Claims 1 and 15 simply require that block level trade execution information be determined based upon trade execution information and that block level trade order

information be determined based upon trade order information, Claims 10 and 24 require the specific details of how such may be accomplished. Thus, Claims 10 and 24 require, among other limitations (i) that if the trade execution information comprises an indication of block level trade execution information, the block level trade execution information be extracted from the trade execution information and, if the trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, the block level trade execution information is generated based upon the allocation level trade execution information, and (ii) that if the trade order information comprises an indication of block level trade order information, the block level trade order information be extracted from the trade order information and, if the trade order information comprises an indication of allocation level trade order information but not an indication of the block level trade order information, the block level trade order information is generated based upon the allocation level trade order information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. While Applicant acknowledges that Hawkins et al. states that “if funds A, B, and C managed by a single institution all wish to buy 10,000 shares of XYZ Corp. stock, then the institution will place a single buy order with a particular broker for a block of 30,000 shares of XYZ Corp. stock” (see col.6 ll. 67 to col. 7 ll. 4), Applicant

respectfully submits that even assuming that this teaches “block level trade information” as claimed there is no disclosure, teaching or suggestion whatsoever in Hawkins et al. that this “block level trade information” is extracted and/or generated by the system and used for any purpose.

Dependent Claims 11 and 25

In addition to the limitations of Claims 10 and 24, Claims 11 and 25 require, among other limitations that, if the block level trade execution information has been generated, the generated block level trade execution information is replaced by later received block level trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 11 and 25, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade execution information, never mind that the generated block level trade execution information be replaced by later received block level trade execution information.

Dependent Claims 12 and 26

In addition to the limitations of Claims 10 and 24, Claims 12 and 26 require, among other limitations that, if the block level trade order information has been generated, the generated block level trade order information is replaced by later received block level trade order information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claims 12 and 26, other than to point out that neither Hawkins et al. nor Sandhu et al. discloses, teaches or suggests in any way the generation of block level trade order information, never mind that the generated block level trade order information be replaced by later received block level trade order information.

Dependent Claims 13 and 27

In addition to the limitations of Claims 10 and 24, Claims 13 and 27 require, among other limitations that the trade execution information and the trade order information may be received in any order.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. As discussed in more detail above, Hawkins et al. discloses a system that relies on a rigid sequential flow of messages. More specifically, in the Hawkins et al. system, the trade order information must be received before the trade execution information in order for the system to properly function. Moreover, Sandhu et al. does not even disclose the receipt of trade execution information and the trade order information, and therefore, certainly does not disclose, teach or suggest that trade execution information and the trade order information may be received in any order.

#### Dependent Claims 14 and 28

In addition to the limitations of Claims 10 and 24, Claims 14 and 28 require, among other limitations that the trade execution information and the trade order information may be received at any time prior to trade settlement.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. As discussed in more detail above, Hawkins et al. discloses a system that relies on a rigid sequential flow of messages. As such, there are very limited time frames when each of the trade execution information and the trade order information may be received, and the information in question may not be received at any time prior



to trade settlement. Moreover, Sandhu et al. does not even disclose the receipt of trade execution information and the trade order information, and therefore, certainly does not disclose, teach or suggest that trade execution information and the trade order information may be received at any time prior to trade settlement.

### **Conclusion**

For the foregoing reasons, Applicant respectfully submits that the claimed invention embodied in each of claims 1-28 is patentable over the cited prior art. As such, Applicant respectfully requests that the rejections of each of claims 1-28 be reversed and the Examiner be directed to issue a Notice of Allowance allowing each of claims 1-28.

Respectfully submitted,

Jarvis 25, 2006

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**Claims Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/931,123**

1. (previously presented) An apparatus for facilitating the processing and management of a securities trade comprising:

a computer;

trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party;

software executing on said computer for determining block level trade execution information based upon said trade execution information;

trade order information received by said computer, said trade order information indicative of an ordered trade by a second trading party;

software executing on said computer for determining block level trade order information based upon said trade order information;

a set of predefined acceptable trade parameters; and

software executing on said computer for comparing the block level trade execution information with the block level trade order information, and for determining that a match exists if the block level trade execution information and the block level trade order information correlate within said set of predefined acceptable trade parameters.

2. (previously presented) The apparatus of claim 1 wherein said trade execution information comprises an indication of the block level trade execution information, and wherein said software executing on said computer for determining block level trade execution information comprises software executing on said computer for extracting the block level trade execution information from said trade execution information.

3. (previously presented) The apparatus of claim 1 wherein said trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, and wherein said software executing on said computer for determining block level trade execution information comprises software executing on said computer for generating block level trade execution information based upon the allocation level trade execution information.

4. (previously presented) The apparatus of claim 3 wherein the generated block level trade execution information is replaced by block level trade execution information later received by said computer.

5. (previously presented) The apparatus of claim 1 wherein said trade order information comprises an indication of the block level trade order information, and wherein said software executing on said computer for determining block level trade order information comprises software executing on said computer for extracting the block level trade order information from said trade order information.

6. (previously presented) The apparatus of claim 1 wherein said trade order information comprises an indication of allocation level trade order information but not an indication of the block level trade order information, and wherein said software executing on said computer for determining block level trade order information comprises software executing on said computer for generating block level trade order information based upon the allocation level trade order information.

7. (previously presented) The apparatus of claim 6 wherein the generated block level trade order information is replaced by block level trade order information later received by said computer.

8. (previously presented) The apparatus of claim 1 wherein said trade execution information and said trade order information may be received by said computer in any order.

9. (previously presented) The apparatus of claim 1 wherein said trade execution information and said trade order information may be received by said computer at any time prior to trade settlement.

10. (previously presented) An apparatus for facilitating the processing and management of a securities trade comprising:

a computer;

trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party;

software executing on said computer for, if said trade execution information comprises an indication of block level trade execution information, extracting the block level trade execution information from said trade execution information and for, if said trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, generating block level trade execution information based upon the allocation level trade execution information;

trade order information received by said computer, said trade order information indicative of an ordered trade by a second trading party;

software executing on said computer for, if said trade order information comprises an indication of block level trade order information, extracting the block level trade order information from said trade order information and for, if said trade order information comprises an indication of allocation level trade order information but not an indication of the block level trade order information, generating block level trade order information based upon the allocation level trade order information;

a set of predefined acceptable trade parameters; and

software executing on said computer for comparing the block level trade execution information with the block level trade order information, and for determining that a match exists if the block level trade execution information and the block level

trade order information correlate within said set of predefined acceptable trade parameters.

11. (previously presented) The apparatus of claim 10 wherein, if the block level trade execution information has been generated, the generated block level trade execution information is replaced by block level trade execution information later received by said computer.

12. (previously presented) The apparatus of claim 10 wherein, if the block level trade order information has been generated, the generated block level trade order information is replaced by block level trade order information later received by said computer.

13. (previously presented) The apparatus of claim 10 wherein said trade execution information and said trade order information may be received by said computer in any order.

14. (previously presented) The apparatus of claim 10 wherein said trade execution information and said trade order information may be received by said computer at any time prior to trade settlement.

15. (original) A method for facilitating the processing and management of a securities trade comprising the steps of:

receiving trade execution information, the trade execution information indicative of an executed trade by a first trading party;

determining block level trade execution information based upon the trade execution information;

receiving trade order information, the trade order information indicative of an ordered trade by a second trading party;

determining block level trade order information based upon the trade order information;

comparing the block level trade execution information with the block level trade order information, and determining that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters.

16. (original) The method of claim 15 wherein the trade execution information comprises an indication of the block level trade execution information, and wherein said determining block level trade execution information step comprises the step of extracting the block level trade execution information from the trade execution information.

17. (original) The method of claim 15 wherein the trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, and wherein said determining

block level trade execution information step comprises the step of generating block level trade execution information based upon the allocation level trade execution information.

18. (original) The method of claim 17 further comprising the step of replacing the generated block level trade execution information with later received block level trade execution information.

19. (original) The method of claim 15 wherein the trade order information comprises an indication of the block level trade order information, and wherein said determining block level trade order information step comprises the step of extracting the block level trade order information from the trade order information.

20. (original) The method of claim 15 wherein the trade order information comprises an indication of allocation level trade order information but not an indication of the block level trade order information, and wherein said determining block level trade order information step comprises the step of generating block level trade order information based upon the allocation level trade order information.

21. (original) The method of claim 20 further comprising the step of replacing the generated block level trade order information with later received block level trade order information.



22. (original) The method of claim 15 wherein the trade execution information and the trade order information may be received in any order.

23. (original) The method of claim 15 wherein the trade execution information and the trade order information may be received at any time prior to trade settlement.

24. (original) A method for facilitating the processing and management of a securities trade comprising the steps of:

receiving trade execution information, the trade execution information indicative of an executed trade by a first trading party;

extracting the block level trade execution information from the trade execution information if the trade execution information comprises an indication of block level trade execution information, and, if the trade execution information comprises an indication of allocation level trade execution information but not an indication of the block level trade execution information, generating block level trade execution information based upon the allocation level trade execution information;

receiving trade order information, the trade order information indicative of an ordered trade by a second trading party;

extracting the block level trade order information from the trade order information if the trade order information comprises an indication of block level trade order information, and, if the trade order information comprises an indication of

allocation level trade order information but not an indication of the block level trade order information, generating block level trade order information based upon the allocation level trade order information; and

comparing the block level trade execution information with the block level trade order information, and determining that a match exists if the block level trade execution information and the block level trade order information correlate within a set of predefined acceptable trade parameters.

25. (original) The method of claim 24 wherein, if the block level trade execution information has been generated, said method further comprises the step of replacing the generated block level trade execution information with later received block level trade execution information.

26. (original) The method of claim 24 wherein, if the block level trade order information has been generated, said method further comprises the step of replacing the generated block level trade order information with later received block level trade order information.

27. (original) The method of claim 24 wherein the trade execution information and the trade order information may be received in any order.

28. (original) The method of claim 24 wherein the trade execution information and the trade order information may be received at any time prior to trade settlement.

**Evidence Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/931,123**

No evidence of any kind, including evidence submitted under 37 CFR 1.130, 1.131 or 1.132, has been entered by the Examiner and relied upon by Appellant in the appeal.

**Related Proceedings Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/931,123**

There are no decisions rendered by a court or the Board in any of the Appeals or Interferences identified in Section (ii) of the Appeal Brief.